



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
LENFEST ATLANTIC, INC. FOR A)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND FOR)
THE CITY OF OCEAN CITY, COUNTY OF)
CAPE MAY, STATE OF NEW JERSEY)

AUTOMATIC RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE00030178

Stryker, Tams & Dill, Newark, New Jersey, by Dennis Linken, Esq. for the Petitioner.

City Clerk, City of Ocean City, New Jersey, by Angela H. Pileggi, for the City.

BY THE BOARD:

On January 31, 1979, the Board granted Teleprompter Corporation ("Teleprompter") a Certificate of Approval in Docket No. 789C-6405 for the construction, operation and maintenance of a cable television system in the City of Ocean City ("City"). On June 3, 1981, the Board approved the merger of Teleprompter with and into Group W Cable Inc., in Docket No. 814C-6777. On December 30, 1982, the Board approved the transfer of the Certificate of Approval from Group W Cable, Inc. to Cablentertainment of New Jersey-V ("Cablentertainment"), in Docket No. 8211C-6951. The transfer encompassed several cable television systems, including the system serving the City. On December 18, 1986, the Board approved the transfer of the Certificate of Approval from Cablentertainment to Sammons Communications of New Jersey, Inc. ("Sammons") in Docket No. CM86101185.

On September 10, 1992, the Board issued an Order Adopting the Initial Decision Settlement and Renewal Certificate of Approval to Sammons for a period of twelve years with

an automatic renewal term of 5 years, in Docket No. CE89060534. On February 28, 1996, in Docket No. CM95080358, the Board approved the transfer of the Certificate of Approval from Sammons to Lenfest Atlantic, Inc. ("Petitioner"). On January 18, 2000, the Board approved the Petitioner becoming a wholly-owned indirect subsidiary of Comcast Corporation in Docket No. CM99110855. Although the Petitioner's above referenced Certificate expired on January 31, 2001, it is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

On March 17, 2000, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the City, pursuant to N.J.S.A. 48:5A-16, -19 and -25 and N.J.A.C. 14:17-6.9 and 14:18-13.6. The filing indicates that the City had adopted an ordinance on April 30, 1992, granting renewal municipal consent to the Petitioner's predecessor to provide a term of twelve years with an automatic renewal term of five years. The Petitioner accepted the ordinance on May 11, 1992.

The Board has reviewed the petition for an Automatic Renewal Certificate of Approval and the Application filed therein by the Petitioner. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the City in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is five years, pursuant to N.J.S.A. 48:5A-19, -25 and N.J.A.C. 14:18-13.6. The Board finds this period to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the City. In this case, it is the City's Office of Public Information. All complaints shall be received and processed in accordance with any applicable rules.

8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 341 West Avenue in Ocean City.
9. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as described in the application and the ordinance. The Petitioner shall provide one educational and one governmental access channel. The Petitioner maintains a studio, with editing equipment and one mobile van unit equipped for taping live events.
11. The Petitioner shall provide the installation and basic cable television service, free of charge, to one outlet to each school and library in the City. Installation of additional outlets shall be paid for on a materials plus labor basis by the municipality. Monthly service charges shall be billed at the regular tariffed rates for additional outlets.
12. The Petitioner agrees that, at the request of the Mayor of the City or authorized designee, the Petitioner shall meet informally with the City to review such issues regarding the cable television franchise as shall be of concern to the City during the preceding twelve month period.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not

limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire January 31, 2006.

DATED: June 5, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY